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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,027	12/14/2001	Toshiaki Iizuka	B422-178	5437
26272 7590 03/21/2007 COWAN LIEBOWITZ & LATMAN P.C. JOHN J TORRENTE 1133 AVE OF THE AMERICAS NEW YORK, NY 10036			EXAMINER QUELLETTE, JONATHAN P	
			ART UNIT 3629	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/21/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/017,027

Applicant(s)

IIZUKA, TOSHIAKI

Examiner

Jonathan Ouellette

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 16-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Request for Continued Examination*

1. The Request filed on 1/9/2007 for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 10/017,027 is acceptable and a RCE has been established. An action on the RCE follows.

### *Response to Amendment*

2. Claims 16-25 remain pending in application 10/017,027.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. **Claims 16-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aikens et al. (US 6,216,113).**
5. As per new **independent Claims 16, 22, and 24**, Aikens discloses a client terminal device (control method, record medium) in which a software including a plurality of functions is installed (Fig.1), the device comprising: selection means for selecting any of said functions in response to a user's operation (C3 L48-50; scanning, printing, or faxing); usability

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permission request means for requesting a server apparatus to permit usability of said selected function; payment means for executing payment processing of a price of said function the usability of which is permitted in response to the request by said usability permission request means (Fig.5, Yes/No to Validity, Validity Control).

6. Aikens fails to disclose wherein payment processing is performed every predetermined period.
7. However, Aikens does disclose wherein payment processing is performed after each user request for service (C5-C6). While the Aikens method/system would be considered by the Examiner an advancement on the claimed method/system, for the purpose of maintaining a precisely accurate account of billings and transactions, it would have been obvious to one of ordinary skill in the art at the time the invention was made to complete the billing during billing cycles (predetermined periods), for the purpose of spacing out collection periods and reducing system and man-power drain (C4 L23-33).
8. Aikens also fails to expressly disclose count means for counting a period in which said function remains being not executed; usability prohibition request means for requesting the server apparatus to prohibit a usability of said function if said counted period exceeds the predetermined period; and payment termination means for executing termination processing of payment of the price of said function the usability of which is prohibited in response to the request by said usability prohibition request means.
9. However, Aikens does disclose the use of billing counters (C5) and the periodic accumulation of billing information (C4 L23-35), and it would have been obvious to one of ordinary skill in the art at the time the invention was made to cancel the account or to stop

replenishing funds in the account (equivalent to stopping charges) if the billing count information (use of functions) was null upon billing information transfer (count of 1 period between last data transfer).

10. As per new Claim 17, Aikens discloses wherein said function is at least one of a scan function, print function, a copy function and a facsimile transmission function (Fig.4, print function).
11. As per new Claim 18, Aikens discloses icon display means for displaying icons corresponding to said functions, said icon display means distinctly displays the icons between functions in a state of usability permission and functions in a state of usability prohibition (C2, L51-65, Icons).
12. As per new **independent Claims 19, 23, and 25**, Aikens discloses a server apparatus (control method, record medium) for charging to use a software installed in a client terminal device, said apparatus comprising: usability permission request receiving means for receiving from said client terminal device a request of permitting usability of any of a plurality of functions of said software (Figs.2-5, Valid Access/Valid Acct#/Exceed Acct. Limit); usability permission informing means for informing a notice of usability permission of said any of said plurality of functions to the client terminal device in response to the request received by said usability permission request receiving means (Fig.5, Yes/No to Validity, Validity Control); charge means for charging to the function which is in a state of usability permission among said plurality of functions of said software (C4 L36-42).
13. Aikens fails to disclose wherein payment processing is performed every predetermined period.

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14. However, Aikens does disclose wherein payment processing is performed after each user request for service (C5-C6). While the Aikens method/system would be considered by the Examiner an advancement on the claimed method/system, for the purpose of maintaining a precisely accurate account of billings and transactions, it would have been obvious to one of ordinary skill in the art at the time the invention was made to complete the billing during billing cycles (predetermined periods), for the purpose of spacing out collection periods and reducing system and man-power drain.
15. Aikens also fails to expressly disclose usability prohibition request means for receiving from said client terminal apparatus a request of prohibiting usability of the function which remains being in a state of usability permission for the predetermined period among said plurality of functions of said software; usability prohibition informing means for informing said client terminal apparatus of a notice of usability prohibition of the function in response to the request received by said usability prohibition request receiving means; and charge control means for controlling said charge means to terminate charge for the function which is in a state of usability prohibition.
16. However, Aikens does disclose the use of billing counters (C5), the periodic accumulation of billing information (C4 L23-35), and informing a user of usability prohibition (Fig.5, Valid Access/Valid Acct#/Exceed Acct. Limit), and it would have been obvious to one of ordinary skill in the art at the time the invention was made to cancel the account or to stop replenishing funds in the account (equivalent to stopping charges) if the billing count information (use of functions) was null upon billing information transfer (count of 1 period between last data transfer).

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17. As per new Claim 20, Aikens discloses wherein said function is at least one of a scan function, print function, a copy function and a facsimile transmission function (Fig.4, print function).
18. As per new Claim 21, Aikens discloses wherein said charge means executes charge process in response to reception of request of usability permission from the client terminal device, and said usability permission information means informs means informs the client terminal device of a notice of usability permission of said function when said charge process is executed (Fig.5, Acct. Limit).

#### *Response to Arguments*

19. Applicant's arguments filed 1/9/2007 have been fully considered but are moot in view of the new ground(s) of rejection.

#### *Conclusion*

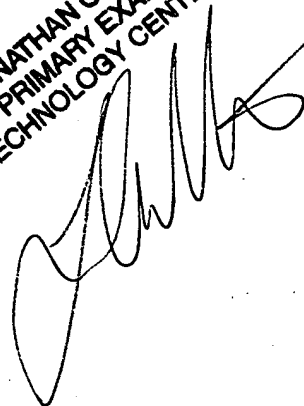
20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.

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22. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

March 16, 2007

JONATHAN OUELLETTE  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 3600

A handwritten signature in black ink, appearing to read 'Jonathan Ouellette', is written over the printed name and title.